

REGULAR**NUMBER** 239.2**TITLE:** AN ORDINANCE OF THE CITY OF MILPITAS AMENDING CHAPTER 16, TITLE XI, SECTION 15 OF THE MILPITAS MUNICIPAL CODE, RELATING TO STORM DRAIN CONNECTION FEE**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of August 5, 2003, upon motion by _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:**APPROVED:**_____
Gail Blalock, City Clerk_____
Jose S. Esteves, Mayor**APPROVED AS TO FORM:**_____
Steven T. Mattas, City Attorney**ORDAINING CLAUSE:****THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:**

Section 1. **Addition of Section XI-16-15.** Title XI, Chapter 16, Section 15 is hereby added to read as follows:

XI-16-15 Connection Fees

Prior to connection or discharge to any City storm drain facility (directly or indirectly), connectors shall pay City a fee for connection/discharge to the City's storm drain system as follows:

- A. \$1,100 per parcel for single family medium density with parcel size equal or smaller than 8,710 square feet (1/5 acre).
- B. \$1,916 per parcel for single family low density, with parcel size between 8,711 and 43,560 square feet (between 1/5 acre and 1 acre).
- C. \$3,594 per parcel for single family with parcel size between 43,561 and 174,240 square feet (between 1 acre and 4 acres).
- D. \$4,792 per parcel or single family with parcel size between 174,241 and 392,040 square feet (between 4 and 9 acres).
- E. \$6,469 per parcel for single family with parcel size greater than 392,040 square feet (9 acres).
- F. \$16,771 per acre for multi-family developments.
- G. \$21,562 per acre for all others (such as commercial, industrial, institutional, or mixed use sites).
- H. \$7,187 per acre for schools (with athletic fields), otherwise consider as institutional.
- I. \$4,792 per acre for parks

The purpose of the fee imposed by this section is to fund facilities (whether presently in existence or not) necessary to provide storm drain services, and revenues derived from the fee imposed by this section shall be used solely for that purpose.

Section 2. **Exemption for Certain Pending Projects.** Notwithstanding the foregoing, connectors with projects meeting the following criteria shall not be subject to the provisions of section 1 of this ordinance:

- (a) Projects requiring discretionary planning approval with applications that are deemed complete prior to October 15, 2003; and
- (b) Projects that do not require discretionary planning approval that receive building permits prior to October 15, 2003.

Section 3. **Effective Date; Publication.** Except as provided below, this Ordinance shall take effect 30 days following its passage, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect. Notwithstanding the foregoing, section 1 of this Ordinance shall become effective October 15, 2003.